

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA, :

Plaintiff,

Case No. 3:12-po-053

-vs-

Magistrate Judge Michael R. Merz

TRAVIS McCALL, :

Defendant.

DECISION AND ORDER DENYING MOTION TO RECUSE

This case is before the Court on Defendant's Motion to Recuse (Doc. No.). As his stated reason, Mr. McCall says it is because I am "more than willing to appease Judge Rice in his mental antics." Presumably what Defendant is referring to is Judge Rice's Order of June 15, 2012, in a felony case, United States v. McCall, 3:02-cr-042, referring Mr. McCall to a Federal Medical Center for treatment. I have entered a parallel order in this case, not in order "to appease" Judge Rice, but because District Judge has determined that Mr. McCall is not competent to participate in a supervised release proceeding. Since trial issues are usually more complex and making the referral in parallel would save time, including incarceration time for the Defendant, I decided it was the appropriate course of action. That decision does not show any disqualifying bias under either 28 U.S.C. § 144 or § 455. Therefore the Motion to Recuse is denied.

July 10, 2012.

s/ Michael R. Merz

United States Magistrate Judge